

**DRAFT**  
**FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT**  
**FOR**

**EL PASO NATURAL GAS COMPANY**  
**LAGUNA COMPRESSOR STATION**  
**LAGUNA, CIBOLA COUNTY, NEW MEXICO**

Based On  
40 Code of Federal Regulations (CFR) Part 71  
Federal Operating Permit Program  
Promulgated July 1, 1996

**FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT**

Issue Date: April 24, 2003                      Permit Number: R6FOPP71-02  
Effective Date: May 27, 2003                  Replaces Permit Number: N/A  
Expiration Date: April 23, 2008

In accordance with the provisions of Title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

El Paso Natural Gas Company  
Laguna Compressor Station  
Laguna, Cibola County, New Mexico

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate in the following location(s):

Laguna Reservation in New Mexico

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the Environmental Protection Agency (EPA) and citizens under the Clean Air Act.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

The permit number cited above should be referenced in future correspondence regarding this facility.

ORIGINAL SIGNED BY BILL Luthans for

April 24, 2003

Carl E. Edlund, P.E.

Date

Director

Multimedia Planning and Permitting Division

United States Environmental Protection Agency

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Pollution Control Permit Number  
R6FOPP71-02 El Paso Natural Gas Company

## **Terms, Abbreviations and Acronyms**

Source	El Paso Natural Gas Company, Laguna Compressor Station
Facility	El Paso Natural Gas Company, Laguna Compressor Station
CAA	Clean Air Act [42 United States Code Section 7401 <u>et seq.</u> ]
CFR	Code of Federal Regulations
HAP	Hazardous Air Pollutant
hr	hour
ID. No.	Identification Number
MMBTU	Million British Thermal Units
MMSCF/yr	Million Standard Cubic Feet per year
NOx	Nitrogen Oxides
PM10	Particulate matter less than 10 microns in diameter
SO <sub>2</sub>	Sulfur Dioxide
EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds
MBTA	Migratory Bird Treaty Act

## **List of Tables**

Table 1.	Source Emission Points
Table 2.	Potential to Emit in Tons per Year

**1. Source Identification and Unit Specific Information**

**1.1. General Source Information**

Owner and Operator: El Paso Natural Gas Company  
P.O. Box 1087  
Colorado Springs, Colorado 80944

Plant Name: Laguna Compressor Station

Plant location: 5 miles Southeast of Laguna, New Mexico

EPA Region: 6

State: New Mexico Tribe: Laguna

County: Cibola Reservation: Laguna Indian  
Reservation

Plant mailing address: 3801 Atrisco Boulevard, N.W.  
Albuquerque, NM 87120

Responsible Official: Thomas P. Morgan,  
El Paso Natural Gas Company  
P.O. Box 1087  
Colorado Springs, Colorado 80944  
Phone: (719)473-2300

Plant Contact: Richard Duarte  
Principal Environmental Engineer  
3801 Atrisco Boulevard, N.W.  
Albuquerque, NM 87120  
Phone: (505) 831-7763

Standard Industrial Code (SIC) Code: 4922

Aerometric Information Retrieval System (AIRS) Facility System  
m  
Plant  
ID.  
No.:

Description of Process: El Paso Natural Gas Company, with SIC code 4922, is a natural gas compression and transmission facility with pressurized natural gas as its principal product.

## 1.2. Source Emission Points

<b>Table 1: Emission Units and Control Devices</b> <b>El Paso Natural Gas Company, Laguna Compressor Station</b>		
<b>Emission Unit ID No.</b>	<b>Unit Description</b>	<b>Control Equipment</b>
A-01, natural gas fired engine	<ul style="list-style-type: none"> <li>• Manufacturer - Clark</li> <li>• Model TLA-10</li> <li>• Installed in 1958</li> <li>• Maximum design heat input - 8.65 MMBTU/hr</li> <li>• Fuel type - Natural gas</li> <li>• Primary use - Gas Compression</li> </ul>	None
A-02, natural gas fired engine	<ul style="list-style-type: none"> <li>• Manufacturer - Clark</li> <li>• Model TLA-10</li> <li>• Installed in 1958</li> <li>• Maximum design heat input - 8.65 MMBTU/hr</li> <li>• Fuel type - Natural gas</li> <li>• Primary use - Gas Compression</li> </ul>	None
A-03, natural gas fired engine	<ul style="list-style-type: none"> <li>• Manufacturer - Clark</li> <li>• Model TLA-10</li> <li>• Installed in 1958</li> <li>• Maximum design heat input - 8.65 MMBTU/hr</li> <li>• Fuel type - Natural gas</li> <li>• Primary use - Gas Compression</li> </ul>	None



<b>Table 1: Emission Units and Control Devices</b> <b>El Paso Natural Gas Company, Laguna Compressor Station</b>		
<b>Emission Unit ID No.</b>	<b>Unit Description</b>	<b>Control Equipment</b>
AUX A-01, natural gas fired engine	<ul style="list-style-type: none"> <li>• Manufacturer- Ingersoll-Rand</li> <li>• Model, PSVG-8</li> <li>• Installed in 1958</li> <li>• Maximum design heat input - 1.38 MMBTU/hr</li> <li>• Fuel Type - Natural gas</li> <li>• Primary Use - Electric Generation</li> </ul>	None
AUX A-02, natural gas fired engine	<ul style="list-style-type: none"> <li>• Manufacturer- Ingersoll-Rand</li> <li>• Model, PSVG-8</li> <li>• Installed in 1958</li> <li>• Maximum design heat input - 1.38 MMBTU/hr</li> <li>• Fuel Type - Natural gas</li> <li>• Primary Use - Electric Generation</li> </ul>	None

<b>Table 2: Potential to Emit in Tons per Year (tpy)</b> <b>El Paso Natural Gas Company, Laguna Compressor Station</b>							
<b>Unit ID</b>	<b>NOx</b>	<b>VOC</b>	<b>SO2</b>	<b>PM10</b>	<b>CO</b>	<b>Lead</b>	<b>HAP**</b>
A-01, Clark TLA-10, NG fired Engine,	611	26	<0.1	N/A	141	N/A	7
A-02, Clark TLA-10, NG fired Engine,	611	26	<0.1	N/A	141	N/A	7
A-03, Clark TLA-10, NG fired Engine,	611	26	<0.1	N/A	141	N/A	7
AUX A-01, Ingersoll-Rand	144	6	<0.1	N/A	149	N/A	1
AUX A-02, Ingersoll-Rand	144	6	<0.1	N/A	149	N/A	1
<b>TOTALS tpy</b>	2,121	90	< 1	N/A	721	N/A	23

\*\* - mostly formaldehyde  
NOx - oxides of nitrogen  
VOC - volatile organic compounds (non-HAP)  
SO2 - sulfur dioxide  
PM10 - particulate matter with a diameter 10 microns or less  
CO - carbon monoxide  
HAP - hazardous air pollutants (see CAA Section 112(b))  
NG - natural gas

## **2. Permit Shield [40 CFR section 71.6(f)]**

2.1. Nothing in this permit shall alter or affect the following:

- 2.1.1. The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.
- 2.1.2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
- 2.1.3. The ability of the EPA to obtain information from a source under Section 114 of the CAA or;

2.2. Compliance with the terms and conditions of this permit shall be deemed in compliance with the applicable requirements specifically listed in this permit as of the date of permit issuance.

## **3. Facility Wide Permit Conditions - Generic Permit Requirements**

Conditions in this section apply to all emissions units located at the facility, including any units not specifically listed in Table 1.

- 3.1. There is no air pollution control equipment installed at this facility.
- 3.2. The amount of natural gas burned in emission units A-01;

A-02; A-03; AUX A-01 and AUX A-02 shall not exceed the following:

A-01 - 258.7 MMSCF/year;

A-02 - 258.7 MMSCF/year;

A-03 - 258.7 MMSCF/year;

AUX A-01 - 50.3 MMSCF/year; and

AUX A-02 - 50.3 MMSCF/year.

- 3.3. The actual heat input for emission units A-01; A-02; and A-03 shall not exceed 8.65 MMBTU/hr, and the actual heat input for emissions units AUX A-01 and AUX A-02 shall not exceed 1.38 MMBTU/hr.
- 3.4. The permittee shall keep records on all repair and maintenance activities performed on all emission units. These records shall identify the relevant emission unit and describe the work performed.
- 3.5. The fuel flow/consumption for each emission unit (A-01; A-02; A-03; AUX A-01; and AUX A-02) shall be recorded on a monthly basis.
- 3.6. The records of fuel consumption shall be maintained for emission units A-01; A-02; A-03; AUX A-01 and AUX A-02.
- 3.7. The permittee shall keep records of the serial numbers for each emission unit. The emission units and their serial numbers are: A-01 79007; A-02 with serial number 79008; A-03 with serial number 79005; AUX A-01 with serial number 8CPST227 and AUX A-02 with serial number 8CPST228. A change in serial number should also be reflected in the report. See 3.9.
- 3.8. Retention of these records and support information shall be for a period of at least five years from the date of measurement, or report. Support information includes all calibration and maintenance records, all original strip-chart recordings or monitoring instrumentation, and copies of all reports required by this permit.
- 3.9. The following records shall be submitted to EPA every

six months following the anniversary of permit issuance:

- 3.9.1. Fuel flow/consumption records showing monthly and yearly average of fuel usage; and
- 3.9.2. Repair and maintenance records of the emission units identified in the permit

Copies of these records shall also be sent to:

Environmental Director  
Pueblo of Laguna  
P.O. Box 194  
Laguna, NM 87026

every six months following the anniversary of permit issuance.

#### **4. Additional Requirements to be Implemented in Future Activities Under the Permit**

To minimize the likelihood of adverse impacts to all species protected under the Endangered Species Act (ESA), EPA Region 6 will ensure that any construction activities undertaken by the facility occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and if necessary be avoided until nesting is complete. The nearest known population of Pecos sunflowers to the subject facility is near Grants, New Mexico. Construction to the existing facility is unlikely to affect the Pecos sunflower due to its distance from the Compressor Station.

Because it is "grandfathered," the facility is not required to obtain a construction permit for its current activities. If the facility undertakes construction activities in the future, EPA will reinitiate consultation with the Fish and Wildlife Service, in order to address ESA issues before issuance of a permit. A list of the Cibola County endangered, threatened, and candidate species, and Species of Concern, is included at Appendix A.

## **5. Title V Administrative Requirements**

### **5.1. Annual Fee Payment [40 CFR §§ 71.6(a)(7) and 71.9]**

5.1.1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below.  
[40 CFR § 71.9(a).]

5.1.2. The permittee shall pay the annual permit fee each year:

The fee shall be received no later than July 20 of each year.

5.1.3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of EPA.

5.1.4. The permittee shall send fee payment and a completed fee filing form to:

EPA Region 6  
P. O. Box 360582M  
Pittsburgh, PA 15251

5.1.5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in Section 5.5. of this permit. [Note that an annual emissions report, required at the same time as the fee calculation worksheet by § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]

5.1.6. Basis for calculating annual fee:

5.1.6.1. The annual emissions fee shall be calculated by multiplying the total tons of actual

emissions of all "regulated pollutants (for fee calculation)" emitted from the source by the emissions fee (in dollars/ton) in effect at the time of calculation.

5.1.6.1.1. "Actual emissions" means the actual rate of emissions in tons per year of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [See § 71.9(c)(6).]

5.1.6.1.2. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures. [§ 71.9(e)(2).]

5.1.6.1.3. The term "regulated pollutant (for fee calculation)" is defined in § 71.2.

5.1.6.1.4. The permittee should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.

5.1.6.2. The permittee shall exclude the following emissions from the calculation of fees:

5.1.6.2.1. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year. See § 71.9(c)(5)(i).

- 5.1.6.2.2. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation. See § 71.9(c)(5)(ii).
- 5.1.6.2.3. The insignificant quantities of actual emissions not required to be listed or calculated in a permit application pursuant to § 71.5(c)(11).  
[§ 71.9(c)(5)(iii).]
- 5.1.7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with § 71.5(d).
- 5.1.8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with § 71.6(a)(3)(ii). [See § 71.9(i).]
- 5.1.9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with § 71.9(l).
- 5.1.10. The EPA will not act on applications for permit renewal or modification if the permittee fails to pay all fees, interest, and penalties owed in full. [See § 71.9(m).]
- 5.1.11. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification. [See § 71.9(j)(1) and (2).]

- 5.1.12. If the permittee thinks that the EPA-assessed fee is in error and wishes to challenge the fee, the permittee shall provide a written explanation of the alleged error to EPA along with full payment of the assessed fee. [See § 71.9(j)(3).]

**5.2. Blanket Compliance Statement** [40 CFR §§ 71.6(a)(6)(i) and (ii)]

- 5.2.1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including: violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the CAA and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [§§ 71.6(a)(6)(i) and (ii).]

- 5.2.2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit, are not limited to the applicable testing or monitoring methods required by the underlying regulations of this permit; other credible evidence must be considered in such determinations. [Section 113(a) and 113(e)(1) of the CAA.]

**5.3. Compliance Certifications** [40 CFR § 71.6(c)(5)]

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, fuel usage and heat



input, annually on the anniversary of the date of issuance of this permit. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with § 71.5(d).

5.3.1. The certification shall include the following:

- 5.3.1.1. Identification of each permit term or condition that is the basis of the certification.
- 5.3.1.2. Identification of the method(s) or other means used for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also shall identify any other material information, e.g., operating hours records, that must be included in the certification to comply with section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information.
- 5.3.1.3. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- 5.3.1.4. Any other requirements sufficient to assure or determine compliance, consistent with section 71.6(c)(5)(iii)(D) and section 71.6 (c)(6).

#### **5.4. Duty to Provide and Supplement Information**

[40 CFR §§ 71.6(a)(6)(v) and 71.5(b)]

The permittee shall furnish to EPA, within a time specified

by EPA, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. The permittee, upon becoming aware that any relevant facts were omitted or that incorrect information was submitted in the permit application, shall promptly submit such supplemental facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

**5.5. Submissions** [40 CFR §§ 71.5(d), 71.6, and 71.9]

Any document required to be submitted by this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including records, reports, test data, monitoring data, emissions-related data, notifications, and compliance certifications, shall be submitted to:

Air Enforcement Section, 6EN-A  
1445 Ross Avenue  
Dallas, TX 75202-2733

while the fee calculation worksheets,(that include the annual emissions worksheet and report), and applications for renewals and permit modifications shall be submitted to:

Air Permits Section, 6PD-R  
1445 Ross Avenue  
Dallas, TX 75202-2733

**5.6. Severability Clause** [40 CFR § 71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

**5.7. Permit Actions** [40 CFR § 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**5.8. Administrative Permit Amendments** [40 CFR § 71.7(d)]

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

- 5.8.1. Corrects typographical errors;
- 5.8.2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- 5.8.3. Requires more frequent monitoring or reporting by the permittee;
- 5.8.4. Allows for a change in ownership or operational control of a source where EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA;
- 5.8.5. Incorporates into this permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of sections 71.7 and

71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in section 71.6; and

- 5.8.6. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs 5.8.1. through 5.8.5. [Note to permittee: If these subparagraphs do not apply, please contact EPA for a determination as to similarity prior to submitting your request for an administrative permit amendment under this provision].

#### **5.9. Minor Permit Modifications [40 CFR § 71.7(e)(1)]**

- 5.9.1. The permittee may request the use of minor permit modification procedures only for those modifications that:
  - 5.9.1.1. Do not violate any applicable requirement;
  - 5.9.1.2. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
  - 5.9.1.3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
  - 5.9.1.4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

- 5.9.1.4.1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
- 5.9.1.4.2. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA.
- 5.9.1.5. Are not modifications under any provision of title I of the CAA; and
- 5.9.1.6. Are not required to be processed as a significant modification.
- 5.9.2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph 5.9.1. above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.
- 5.9.3. An application requesting the use of minor permit modification procedures shall meet the requirements of § 71.5(c) and shall include the following:
  - 5.9.3.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - 5.9.3.2. The source's suggested draft permit;
  - 5.9.3.3. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a

request that such procedures be used; and

5.9.3.4. Completed forms for the permitting authority to use to notify affected States as required under § 71.8.

5.9.4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until EPA takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

5.9.5. The permit shield under § 71.6(f) may not extend to minor permit modifications.  
[See § 71.7(e)(1)(vi)].

#### **5.10. Group Processing of Minor Permit Modifications.**

[40 CFR § 71.7(e)(2)]

5.10.1. Group processing of modifications by EPA may be used only for those permit modifications:

5.10.1.1. That meet the criteria for minor permit modification procedures under paragraphs 5.9.1. of this permit; and

5.10.1.2. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in

§ 71.2, or five tons per year, whichever is least.

- 5.10.2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of sections 71.5(c), and shall include the following:
  - 5.10.2.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
  - 5.10.2.2. The source's suggested draft permit.
  - 5.10.2.3. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
  - 5.10.2.4. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph 5.10.1.2. above.
  - 5.10.2.5. Completed forms for the permitting authority to use to notify affected States as required under § 71.8.
- 5.10.3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During

this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

- 5.10.4. The permit shield under § 71.6(f) may not extend to group processing of minor permit modifications. [See § 71.7(e)(1)(vi)].

## **5.11. Significant Permit Modifications** [40 CFR § 71.7(e)(3)]

- 5.11.1. The permittee must request the use of significant permit modification procedures for those modifications that:
  - 5.11.1.1. Do not qualify as minor permit modifications or as administrative amendments.
  - 5.11.1.2. Are significant changes in existing monitoring permit terms or conditions.
  - 5.11.1.3. Are relaxations of reporting or recordkeeping permit terms or conditions.
- 5.11.2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.
- 5.11.3. Permittees must meet all requirements of part 71 including those for applications, public participation, and review by affected States as they apply to permit issuance and permit renewal. For the application to be determined complete, the permittee must supply all information that is required by § 71.5(c) for permit issuance and renewal, but only that information that is related



to the proposed change. [See §§ 71.7(e)(3)(ii) and 71.5(a)(2).]

#### **5.12. Reopening for Cause** [40 CFR § 71.7(f)]

The EPA shall reopen and revise this permit under the following circumstances:

- 5.12.1. Additional applicable requirements under the CAA become applicable to a major part 71 source with a remaining permit term of three or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to § 71.7(c)(3).
- 5.12.2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offsets plans shall be deemed to be incorporated into the permit.
- 5.12.3. The EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- 5.12.4. The EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

#### **5.13. Property Rights** [40 CFR § 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort,

or any exclusive privilege.

**5.14. Inspection and Entry** [40 CFR § 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

- 5.14.1. Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- 5.14.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- 5.14.3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- 5.14.4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**5.15. Transfer of Ownership or Operation**

[40 CFR § 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if EPA determines no other changes in this permit are necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

**5.16. Off Permit Changes** [40 CFR § 71.6(a)(12)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

- 5.16.1. Each change is not addressed or prohibited by this permit;
- 5.16.2. Each change shall comply with all applicable requirements and may not violate any existing permit term or condition;
- 5.16.3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the CAA;
- 5.16.4. The permittee shall provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
- 5.16.5. The permit shield does not apply to changes made under this provision;
- 5.16.6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

#### **5.17. Permit Expiration and Renewal**

[40 CFR §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

- 5.17.1. This permit shall expire upon the earlier occurrence of the following events:
  - 5.17.1.1. Five years elapses from the date of issuance;
  - or

- 5.17.1.2. The source is issued a part 70 permit by an EPA-approved permitting authority.
- 5.17.2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months, but not more than 18 months, prior to the expiration of this permit.
- 5.17.3. If the permittee submits a timely and complete permit application for renewal, consistent with § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to section 71.6(f) may extend beyond the original permit term until renewal.
- 5.17.4. The permittee's failure to have a Part 71 permit, where timely and complete application for renewal was submitted, is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.
- 5.17.5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.
- 5.17.6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other

information required by the application form.

**Appendix: A                Federal Endangered, Threatened,  
Proposed, and Candidate Species,  
and Species of Concern**

**Consultation Number 2-22-03-I-148  
January 21, 2003**

**Cibola County**

Rev: December 2002

**ENDANGERED**

Black-footed ferret, (*Mustela nigripes*)\*\*  
Southwestern willow flycatcher, (*Empidonax traillii extimus*)

**THREATENED**

Bald eagle, (*Haliaeetus leucocephalus*)  
Mexican spotted owl, (*Strix occidentalis lucida*)  
Pecos sunflower, (*Helianthus paradoxus*)  
Zuni (=rhizome) fleabane, (*Erigeron rhizomatus*)

**PROPOSED THREATENED**

Mountain plover, (*Charadrius montanus*)

**CANDIDATE**

Yellow-billed cuckoo, (*Coccyzus americanus*)  
Zuni bluehead sucker, (*Catostomus discobolus yarrowi*)

**SPECIES OF CONCERN**

Cebolleta southern pocket gopher, (*Thomomys umbrinus paquatae*)  
American peregrine falcon, (*Falco peregrinus anatum*)  
Arctic peregrine falcon, (*Falco peregrinus tundrius*)  
Northern goshawk, (*Accipiter gentilis*)  
Rio Grande sucker, (*Catostomus plebeius*)  
New Mexico silverspot butterfly, (*Speyeria nokomis nitocris*)  
Grants tiger beetle, (*Cicindela fulgida winonae*)  
Acoma fleabane, (*Erigeron acomanus*)  
Cinder phacelia, (*Phacelia serrata*)  
Gypsum phacelia, (*Phacelia* sp. nov.)  
Santa Fe cholla, (*Opuntia viridiflora*)

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Endangered =	Any species which is in danger of extinction throughout all or a significant portion of its range.
Threatened =	Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
Candidate =	Candidate Species (taxa for which the Service has sufficient information to to propose that they be added to a list of endangered and threatened species, but the listing action has been precluded by higher priority listing activities).
Species of Concern =	Taxa for which further biological research and field study are needed to resolve their conservation status OR are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other Federal agencies, or professional/academic scientific societies). Species of concern are included for planning purposes only.
** =	Survey should be conducted if project involves impacts to prairie dog towns or complexes of 200-acres or more for the Gunnison's prairie dog ( <i>Cynomys gunnisoni</i> ) and/or 80-acres or more for any subspecies of Black-tailed prairie dog ( <i>Cynomys ludovicianus</i> ). A complex consist of two or more neighboring prairie dog towns within 4.3 miles (7 Kilometers) of each other.

**Table A.1. New Mexico Endangered, Threatened, and Candidate Species, and Species of Concern.**

<b>Species</b>	<b>Federal Listing Status</b>	<b>County</b>
Black-footed ferret	Endangered	Cibola, Bernalillo, Catron, McKinley, Sandoval, Socorro, Valencia
Bald Eagle	Threatened	Cibola, Bernalillo, Catron, McKinley, Sandoval, Socorro, Valencia
Interior Least Tern	Endangered	Catron, Socorro
Mexican Spotted Owl	Threatened with proposed critical habitat	Cibola, Bernalillo, Catron, McKinley, Sandoval, Socorro, Valencia
Mountain Plover	Proposed/Threatened	Cibola, Bernalillo, Catron, McKinley, Sandoval, Socorro, Valencia
Northern Aplomado Falcon	Endangered	Socorro
Piping Plover	Threatened with critical habitat	Socorro
Southwestern Willow Flycatcher	Endangered with critical habitat	Cibola, Bernalillo, Catron, McKinley, Sandoval, Socorro, Valencia
Whooping Crane	Experimental Population	Bernalillo, Sandoval, Socorro, Valencia
Chiricahua Leopard Frog	Proposed/Threatened	Catron, Socorro
Gila trout	Endangered	Catron



<b>Species</b>	<b>Federal Listing Status</b>	<b>County</b>
Loach Minnow	Threatened with critical habitat	Catron
Rio Grande Silvery Minnow	Endangered with critical habitat	Bernalillo, Sandoval, Socorro, Valencia
Spikedace	Threatened with critical habitat	Catron
Alamosa Springsnail	Endangered	Socorro
Socorro Isopod	Endangered	Socorro
Socorro Springsnail	Endangered	Socorro
Pecos Sunflower	Threatened	Cibola, Valencia
Zuni Fleabane	Threatened	Cibola, Catron, McKinley

**Table A.2. Effect Determinations for Issuance of Title V Air Pollution Control Permit Number R6FOPP71-02 El Paso Gas Company**

<b>Species of Concern</b>	<b>Permit Number R6FOPP71-02 El Paso Natural Gas Company Laguna Compressor Station</b>
Black-footed ferret	No effect
Bald Eagle	Not likely to adversely affect
Interior Least Tern	Not likely to adversely affect
Mexican Spotted Owl	Not likely to adversely affect
Designated Critical Habitat	No adverse modification

<b>Species of Concern</b>	<b>Permit Number R6FOPP71-02</b> <b>El Paso Natural Gas Company</b> <b>Laguna Compressor Station</b>
Mountain Plover	Not likely to adversely affect
Northern Aplomado Falcon	Not likely to adversely affect
Piping Plover	Not likely to adversely affect
Designated Critical Habitat	No adverse modification
Southwestern Willow Flycatcher	Not likely to adversely affect
Designated Critical Habitat	No adverse modification
Whooping Crane	No effect
Chiricahua Leopard Frog	No effect
Gila trout	No effect
Loach Minnow	No effect
Designated Critical Habitat	No adverse modification
Rio Grande Silvery Minnow	Not likely to adversely affect
Proposed Critical Habitat	No adverse modification
Spikedace	No effect
Designated Critical Habitat	No adverse modification
Alamosa Springsnail	No effect
Socorro Isopod	No effect

Species of Concern	Permit Number R6FOPP71-02 El Paso Natural Gas Company Laguna Compressor Station
Socorro Springsnail	No effect
Pecos Sunflower	Not likely to adversely affect
Zuni Fleabane	Not likely to adversely affect